

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Hyderabad District – Hakimpet (V), Shaikpet (M), Hyderabad District – Application of Yamunanagar Co-operative House Building Society / Greater Banjara House Cooperative Housing Society and also Sri K.Somaiah and (16) others for regularization of Government land in Sy. No. 102/2 and 102/3 situated in Hakimpet (V), Shaikpet (M) Hyderabad – Orders - Issued.

Revenue (Assignments.III) Department

G.O. Ms. No. 249

Dated 21.02.2009.

Read the following :-

- (1) Representation received from the Secretary Greater Banjara Co-operative Housing Society dated 20.2.2008.
- (2) Letter No. I1/9462/2005, dated 17.3.2008 of the District Collector Hyderabad addressed to the CCLA and copy marked to Government.
- (3) Representation of the President Yamuna Nagar Plot Owners Association, dated 23.5.2008 addressed to Revenue Department.
- (4) Government Memo. No. 101204/Assn.III(1)/90 dated 06.06.2008 addressed to the CCLA and District Collector Hyderabad.
- (5) Representation of the President Yamuna Nagar Plot Owners Association, addressed to Hon'ble Chief Minister received on 18.06.2008.
- (6) Letter No. I2/9462/2005, dated 27.09.2008 received from the District Collector Hyderabad.
- (7) Letter No. I2/2578/2008, dated 06.02.2009 received from the District Collector Hyderabad.

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ORDER :-

The Collector – Hyderabad in his letter 6th read above has reported that Yamunanagar Co-operative House Building Society and Greater Banjara Co-operative Housing Society and others are representing for regularization of their possession of Government land in Hakimpet (V), Shaikpet (M), Hyderabad District as per the orders of the Hon'ble High Court in W.A. No. 891 of 1991.

2. The details of the Court cases and present status of the claimants are as follows.

(i) Yamuna Nagar Co-operative House Building Society

Sri Ahmed Nooruddin was assigned Government land to an extent of Ac.30.00 in Sy. No. 102 of Hakeempet (V) during 1955 by the Surfekhas Authorities. Sri Ahmed Nooruddin also paid the cost of the assignment fixed by the Surfekhas Authorities and Supplementary Sethwar was issued in his favour. During 1965 the then Revenue Divisional Officer, Hyderabad has reported to Government that the assignments sanctioned to Sri Ahmed Nooruddin and 2 others were irregular since the lands are unfit for cultivation and having big boulders and the assignees were also not covered under Land Less Poor category. Government in G.O. Ms. No. 804, Revenue (Y) Department, dated 3.6.1965 cancelled the assignments sanctioned. Aggrieved by the order, Sri Syed Ahmed Nooruddin filed W.P. No. 1520 of 1970 which was allowed and the G.O. Ms. No. 804, Revenue

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(Y) Department, dated 3.6.1965 was quashed with a direction to give an opportunity by issuing a notice to the petitioner. Government took up the matter and issued notices to the assignee and after hearing him issued order in G.O. Rt. No. 2166, Revenue Department dated 23.10.1976 cancelling the assignment. Whereas, The GPA of Sri Syed Ahmed Nooruddin has purportedly sold the lands to some parties (Yamuna Nagar Cooperative House Building Society) and also executed gift deeds in favour of various persons suppressing the facts. Yamuna Nagar Cooperative House Building Society has filed an application which was also rejected by the Joint Collector Hyderabad. Against the order of the Joint Collector Hyderabad the Society filed a WP No. 14/83 before the High Court with a request to quash the order of the joint Collector which was allowed by the High Court. At this stage, Yamuna Nagar Cooperative House Building Society filed a representation before the Government on 17.8.1990. The Government in their Memo. No. 4024/A3/82-34 dated 11.9.1990 issued orders to the Collector Hyderabad to mutate the names of the Society as per the Sale Deeds of the Society. Subsequently, on a report from the District Collector Hyderabad, and after hearing of the arguments of the Society Government have kept the orders passed in Memo. dated 11.9.1990 in abeyance.

Aggrieved with the said orders of the Government, Yamuna Nagar Co-operative House Building Society and Yamuna Nagar Plot Owners Association filed W.P. No. 2963 of 1992 which was allowed by the Hon'ble High Court and quashed the impugned Memo No. 101240/Assn.III(2)/90 dated 22.8.1991 and Memo. No. 101204/Assn.III(3)/90-4 dated 14.2.1992. The District Collector Hyderabad also filed an SLP before the Hon'ble Supreme Court of India which was also dismissed. At this stage, the RDO Hyderabad filed a comprehensive case vide case No. 187 of 1997 before the Special Court constituted under A.P. Land Grabbing (Prohibition) Act which was also dismissed. Another Appeal filed vide SLP No. 88/92 before the Supreme Court of India against the order of the High Court which was also dismissed by the Apex Court on 13.5.2005. Thus, from 1970 to 2005 the title of the land also not decided and litigation is pending in the Government. The issue was discussed at a High Level Meeting and have decided that if the Yamuna Nagar Cooperative House Building Society come forward for regularization, the matter can be settled as per law otherwise action shall be initiated by filing a Civil Suit. No Civil Suit has been filed so far, and the matter is pending for Regularization.

(ii) Greater Banjara Cooperative House Building Society.

Sri Ch. Bhupal Goud President Greater Banjara House Building Society is claiming an extent of Ac. 11.1 gts in Sy. No. 129/85 stating that he has purchased from Sri Raghavendra Rao who has already purchased it from Sri Zaheeruddin to whom the assignment was granted by the Surfekhas Authorities. In G.O. Ms. No. 942, Revenue (Q) Department dated 23.6.1983 orders were issued cancelling the assignments. Sri Ch.Bhupal Goud filed W.P. No. 148 of 1987 in the Hon'ble High Court which was allowed and G.O. Ms. No. 942, Revenue (Q) Department, dated 23.6.1983 was quashed. Against the orders of the High Court, the District Collector, Hyderabad filed W.A No. 891 of 1991. The Division Bench allowed the Appeal along with 2 other similar Appeal and passed common judgment dated 3.2.2001 and directed the Government to reconsider the feasibility for regularization of the land at reasonable market value. Government also filed SLP No. 10413 to 10415 of 2001 which were dismissed on 23.11.2001. The request of Greater Banajara House Building Society for regularization of land to an extent of Ac. 11.1 gts is pending. No civil suit has been filed by the Government.

(iii) Sri K.Somaiah and 16 others.

The District Collector Hyderabad has reported that Sri K.Somaiah and 16 others have submitted applications for regularization of land under their possession as per the G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.02.2008. The total extent of land covered under 17 applicants works out to 16,522 Square Yards i.e. Ac. 3.00 and 2,307 square yards in Road No.2, Banjara Hills, Shaikpet (V). As per the Tahsildar Shaikpet (M), and are claiming for regularization of land in Sy. No. 129/85 of Shaikpet (V) which is non-existing Sy. No. in revenue records. The same Sy. No. has also been claimed by Greater Banjara House Building Society with a registered document. The President Greater Banajara House Building Society agreed with an MOU with Sri K.Somaiah and 16 others agreeing to part with the land claimed by Sri K.Somaiah and 16 others in Sy. No. 129/85 Shaikpet Village admeasuring to Ac. 3.00 and 2,037 Square Yards (Total Ac. 3.17 gts).

3. Government in Memo. No.101204/Assn.III(1)/90 dated 8.8.2007 has requested the Collector Hyderabad to conduct a detailed survey of the subject land and report the actual extents occupied by the above Societies. The Collector Hyderabad was also requested to hold discussions with the representatives of the Societies and arrive at a comprehensive proposals to settle this long pending litigation.

4. The District Collector Hyderabad has surveyed the land under occupation of the claimants and submitted the following proposal for consideration of Government.

- (i) to regularize the Government land for an extent of Ac.12.01 gts in Sy. No. 102/2 & 3, Hakimpet Village, Shaikpet Mandal, Hyderabad District in favour of Yamuna Nagar Co-operative Housing Society and its Members/ Yamunanagar Plot Owners Association at the rate fixed as per G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008;
- (ii) an extent of Ac. 04.10 gts which is free from encumbrance and another Ac. 1.26 gts which is temporarily under encroachment shall be allotted to the GAD for construction of quarters for senior AIS Officers in T.S. No.3 Part, Block-J, Ward No.12 of Hakimpet village;
- (iii) that to regularize an extent of Ac. 5.36 gts of land in favour of Greater Banjara Co-operative Housing Society for its Members in TS No. 28 and 29 Part Block-H, Ward No.9 of Shaikpet and Hakimpet Villages at rate fixed as per G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.2.2008;
- (iv) that, to regularize an extent of Ac. 3.00 and 2037 square Yards (Ac.3.17 gts) in favour of Sri K.Somaiah and 16 others under the provisions of G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008.

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5. Government after careful examination of the matter have decided to accept the proposals of the Collector Hyderabad in para -4 above. Accordingly, Government hereby issue the following orders-

- (i) Government land admeasuring Ac.12.01 gts in Sy. No. 102/2 & 3, Hakimpet Village, Shaikpet Mandal, Hyderabad District be regularized in favour of Yamuna Nagar Co-operative Housing Society and its Members / Yamunanagar Plot Owners Association proportionately at the rate fixed as per G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008;
- (ii) Government land to an extent of Ac. 04.10 gts which is free from encumbrance and another Ac. 1.26 gts which is temporarily under encroachment shall be allotted to the GA (Accomm.) Department for construction of quarters for senior AIS Officers in T.S. No.3 Part, Block-J, Ward No.12 of Hakimpet village;
- (iii) Government land to an extent of Ac. 5.36 gts of land be regularized in favour of Greater Banjara Co-operative Housing Society for its Members in TS No. 28 and 29 Part Block-H, Ward No.9 of Shaikpet and Hakimpet Villages at rate fixed as per G.O. Ms. No.166, Revenue (Assn.POT) Department, dated 16.2.2008;
- (iv) Government land to an extent of Ac. 3.00 and 2037 square Yards (Ac.3.17 gts) be regularized in favour of Sri K.Somaiah and 16 others under the provisions of G.O. Ms. No. 166, Revenue (Assn.POT) Department, dated 16.2.2008.

6. The Chief Commissioner of Land Administration and the District Collector Hyderabad shall take action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M.Samuel
Principal Secretary to Government

To
The Chief Commissioner of Land Administration,
A.P. Hyderabad.
The District Collector – Hyderabad.
SF / SC

/ Forwarded :: By Order /

SECTION OFFICER